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102.170A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
YAOUANC et al :
Serial No.: 09/754,814 :
Filed: January 4, 2001 :
For: NOVEL...USES THEREOF :
:

600 Third Avenue
New York N.Y. 10016
June 29, 2001

EL 77739545445
June 29, 2001
Priority claimed under 35 U.S.C. § 119(e) from U.S. Patent or Trademark Application Serial No. 09/754,814 filed on Jan. 4, 2001.
Postage paid by U.S. Post Office to Agent
for filing application under 35 U.S.C. § 119(e).
Priority card is addressed to the Commissioner
of Patents and Trademarks, Washington, D.C.
:

PETITION

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the notice of incomplete reply dated May 24, 2001, Applicants believe that the Patent Office is wrong in indicating that there is more than one figure present which was not labelled with the appropriate number. The first four figures are flow sheets showing the various reactions and are not individual figures. Therefore, the original drawings were proper. However, Applicants are submitting herewith new drawings which are a little more clear.

With respect to allegation that Figure 7 is not described in the specification, the Patent Office's attention is directed to the description of Figure 7 on page 4 beginning at line 15. Therefore, the application was complete when it was filed and it is requested that the application be given its original filing date of January 4, 2001.

07/09/2001 BSAYASII 00000076 09754814

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130.00 OP

June 29, 2001

D. Hallenbeck Jr.

Applicants are submitting herewith PTO Form-2038 authorizing the \$130.00 petition fee which Applicants believe should be returned. Therefore, the filing of the application was completed on January 4, 2001 and it is requested that the original filing date be granted. A copy of the notice is enclosed herewith.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:


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CAM:ds
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/754,844 TRADEMARK	01/04/2001	Jean-Jacques Yaouanc	102.170A

CONFIRMATION NO. 3475

FORMALITIES LETTER



OC00000006112819*

Bierman, Muserlian and Lucas
600 Third Avenue
New York, NY 10016

Date Mailed: 05/24/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may,however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a)accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

The following item(s) appear to have been omitted from the application:

- Figure(s) 7 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the

application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE